

REMARKS

Applicants thank the Examiner for the due consideration given the application. Favorable reconsideration is requested in view of the foregoing amendments and the following remarks.

Reconsideration and allowance are hereby respectfully solicited.

I. Claim Status and Amendments

Claims 1-3 and 6-32 were pending in this application when last examined. Claims 4-7 were previously cancelled.

Claims 1-3, 6-8, 10-13, 15, and 28 stand rejected.

Claims 16-27 are allowed. Claims 9, 14, and 29-32 are objected to for depending on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. See items 5 and 7 on page 1 and the second paragraph on page 2 of the Office Action. Applicants appreciate the Examiner's indication of allowable subject matter.

Applicants have amended the claims in the manner suggested by the Examiner to place them in condition for allowance. In particular, claims 9 and 29 have been written in independent form by integrating now cancelled claim 6. Claim 14 has been cancelled without prejudice as it is redundant to allowed claim 16. Claim 10 is amended to depend on claim 29. Claim 31 has been amended to add a period to the end of the claim to correct a punctuation error. Claim 31 refers to independent

Appln. No. 10/549,596
Amd. dated July 14, 2009
Reply to Office Action of January 15, 2009

claim 29 via claim 13 and amended claim 10. Claims 30-32 remain unchanged. Support can be found in the claims as filed. No new matter has been added.

Claims 1-3, 6-8, 11-12, 14-15, and 28 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 9-10, 13, 16-27, and 29-32 are pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons discussed herein.

Applicants request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

It is believed that this amendment does not present any new issues requiring further consideration and/or search, as the claims have been amended in the manner suggested by the Examiner to place them in condition for allowance. Accordingly, if the next Official Action on the merits includes a new ground of rejection of one or more claims, the Action must be non-final.

II. Claim Objections

Claims 9, 14, and 29-32 were objected to as being dependent on a rejected base claim, would be allowable if written in independent form. Again, claim 14 has been cancelled and claims 9 and 29 have been amended in the manner suggested by the

Examiner to place them in condition for allowance. Withdrawal of the objection is therefore requested.

III. Anticipation Rejection

Claims 1-3, 6, 7, 10, 12, 13 and 28 remain rejected as being anticipated by Diamond et al. (1999) Hippocampus 9: 542-552, for the reasons on pages 2-3 of the Office Action. The Examiner states that Diamond teaches rats conditioned to exhibit recurrence of trauma upon repeated exposure to a cat. The Examiner is of the opinion that since rats exposed to a cat several days in a row showed decreased memory retention in the six-arm test, there are no structural difference between the animals claimed and those of Diamond, and concludes that "the particular phenotype claimed, Wolframin receptor and Sigma 1 receptor levels or having 2 or 3 PTSD behaviors, would be inherent to the rats of Diamond."

Applicants disagree with this rejection. Nonetheless, for the sole purpose of expediting prosecution and not to acquiesce to the rejections, Applicants have cancelled, without prejudice, claims 1-8, 11-12, 14-15 and 28. The remaining claims have been amended to the subject matter indicated as allowable or to depend therefrom. Claim 10 is now dependent on independent claim 29. The above-noted rejection is therefore moot.

IV. Anticipation/Obviousness Rejection

Claim 15 remains rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being as obvious over Diamond et al. for the reasons on pages 3-5. The Examiner states that Diamond teaches rats conditioned to exhibit recurrence of trauma upon repeated exposure to a cat. The Examiner further alleges that "[a]s a patentable difference between the rat of Diamond and that of the claim cannot be discerned, the animal claimed is seen as the rat of Diamond produced by a different method. In the alternative, the Examiner contends that the rat of Diamond renders the claimed animal obvious as any difference would not affect the structure or use of the rat. Thus, Diamond anticipates or makes obvious the claimed invention."

The Examiner summarized Applicant's arguments to the previous Office Action but found them not persuasive. The Examiner is of the opinion that the rats of Diamond exhibit symptoms that fall within the scope of the claims. Relating to applicant's argument that the method of traumatizing rats in the specification lead to animals suffering from chronic stress, while Diamond's rats suffer from acute stress, the Examiner argues that there is no evidence that a discernable difference exists between acute and chronic trauma so that one trauma can be

distinguished from the other trauma. The Examiner indicates that this is not to say there is no difference, just no difference is apparent on this record. The Examiner contends that to be persuasive, data must be submitted in the form of a declaration under § CFR 1, 132. The Examiner avers that there is no clear evidence that the rats of Diamond and those claimed do not exhibit the same symptoms and/or phenotypes.

Applicants disagree with this rejection. Yet, for the sole purpose of expediting prosecution and not to acquiesce to the rejections, Applicants have cancelled claim 15 without prejudice or disclaimer thereto. Thus, the above-noted rejection is now moot.

V. Obviousness Rejections

Claims 6 and 8 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Diamond et al. in view of Cohen et al., *Eur. Neuro. Psychopharmacology*, 10:429-435 (2000) for the reasons on pages 5-6.

Claims 6, 10 and 11 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Diamond in view of Adamec et al. *Physiology and Behavior*, 65:723-737 (1999) for the reasons on pages 7-8.

As to the first obviousness rejection, the Examiner states that Diamond teaches a method of producing rats affected by traumatic stress by determining the baseline level for 12 rats prior to exposure to a stressor, a cat. After exposure to the cat, the rats are retested in the six-arm maze and error rates were measured as the mean average of the group of rats tested. Cohen teaches stress hormones, such as ATCH and corticosterone, alter after experiencing chronic stress and that in PTSD patients the conventional thought is cortisol is reduced. Therefore, Cohen offers teachings, suggestions and motivation to determine plasma levels of ATCH, corticosterone and cortisol in rats exhibiting PTSD. The Examiner contends that Applicants' previous arguments that Cohen exposes rats to cat scent only once, and as such does not create PTSD rats and that Diamond does not teach PTSD rats were found to be not persuasive. Therefore, the Examiner determined that "there is every reason for the art to monitor Diamond's physiologically as well as behaviorally."

As to the second obviousness rejection, the Examiner contends that Adamec teaches determining passive behavior in cat-exposed rats by analyzing videotapes of rat-cat interaction for freezing. The Examiner is of the opinion that it would have been obvious to the ordinary artisan at the time of the instant invention to produce rats as taught by Diamond and analyzed them for freezing as taught by Adamec. The Examiner argues that

Appln. No. 10/549,596
Amd. dated July 14, 2009
Reply to Office Action of January 15, 2009

Applicants' previous arguments that Adamec exposed rats to cat scent once and thus the rats are suffering from acute trauma, and that freezing observed in these rats was a passive defense and not anxiety, were found to be not persuasive.

Applicants still disagree with the Examiner's rejections. However, for the sole purpose of expediting prosecution and not to acquiesce to the rejections, Applicants have cancelled, without prejudice, claims 1-8, 11-12, 14-15 and 28. The remaining claims have been amended to the subject matter indicated as allowable or to depend therefrom. Claim 10 is now dependent on independent claim 29. The above-noted rejections are now therefore moot.

VI. Conclusion

Having addressed all the outstanding issues, this paper is believed to be fully responsive to the Office Action. Moreover, Applicants again note that they amended the claims in the manner suggested by the Examiner to place them in condition for allowance. Thus, it is respectfully submitted that the claims are in condition for allowance and favorable action thereon is requested.

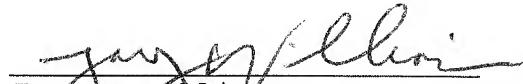
Given that the application should now be in condition for allowance (or close thereto), Applicants respectfully request that the Examiner contact the undersigned attorney in the event

Appln. No. 10/549,596
Amd. dated July 14, 2009
Reply to Office Action of January 15, 2009

that further amendments or action by Applicants is needed to expedite allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By 
Jay H. Williams
Registration No. 48,036

JFW:pp

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
g:\bn\b\ben\yadid\pto\2009-07-14 after final amendment.doc